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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Wheat Bulletin A, Amdt. 1]

PART 671—WHEAT

SUBPART—1950 WHEAT PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 6328 on October 18, 1949, governing the eligibility of producers and wheat under the 1950-Crop Wheat Price Support Operations insofar as compliance with 1950 wheat acreage allotments is concerned are hereby amended as follows:

1. Paragraph (d) *Wheat acreage* of § 671.203 *Definitions* is amended so that the paragraph reads as follows:

(d) *Wheat acreage.* "Wheat acreage" means the acreage seeded for the production of wheat in 1950, excluding a wheat mixture, plus the acreage of volunteer wheat which reaches maturity: *Provided,* That acreage seeded to wheat will not be considered as wheat acreage to the extent that (1) it has been totally destroyed by any cause beyond the control of the producer and cannot be reseeded on the same acreage and (2) an additional acreage of wheat, subsequently seeded with prior approval of the county committee is substituted for the destroyed acreage. Except as otherwise authorized by PMA, all wheat seeded shall be considered as seeded for the production of wheat.

2. Section 671.204 is amended by adding at the end thereof the following new paragraph:

(e) For purposes of this section and § 671.206, wheat acreage on any farm or tract shall not be deemed to be in excess of the acreage allotment for the farm or tract unless the producer operating such farm or tract knowingly exceeded the acreage allotment.

If the wheat acreage planted on any farm or tract after notification of the acreage allotment for the farm or tract exceeds the allotment, it shall be considered as having been knowingly overplanted unless it is determined by the county and State committee on the basis of evidence submitted by such producer that the acreage allotment was unknowingly overplanted. If a producer who overplants made no direct effort, by measuring or otherwise, to plant within the allotment, he shall be determined to have knowingly overplanted.

If a producer is determined by the county committee to have knowingly overplanted, he may within 15 days after receipt of notification of such determination by him appeal to the State committee.

(Sec. 4 (d) Pub. Law 806, 80th Cong. Interprets or applies sec. 5 (a), Pub. Law 806, 80th Cong., secs. 101, 401, Pub. Law. 439, 81st Cong.)

Done at Washington, D. C., this 20th day of December 1949. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-10414; Filed, Dec. 23, 1949; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 5]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations (14 F. R. 1455, 4548, 5303, 6675, 7641) are hereby amended with respect to wheat crops insured for the 1951 and succeeding crop years, as follows:

1. Section 418.154 is amended for Montana to read as follows:

Montana:	
Blaine	Aug. 31
Cascade	Do.
Chouteau	Do.
Fergus	Do.
Hill	Do.
Judith Basin	Do.
Liberty	Do.
Petroleum	Do.
Pondera	Do.
Teton	Do.
All other counties	Mar. 31

(Continued on p. 7703)

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FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

2. Section 7 of the commodity coverage policy as shown in § 418.167 is amended to read as follows:

7. *Fixed price.* The fixed price per bushel for any crop year shall be the product of (a) the percentage level of support for cooperators which is officially announced by the Secretary of Agriculture for wheat for that crop year and (b) the parity price of wheat as officially announced by the Secretary of Agriculture for January 15 of the calendar year in which the crop is to be harvested, with differentials determined by the Corporation for the location of the insurance unit. However, for any crop year for which (a) producers have disapproved marketing quotas for wheat or (b) the Secretary of Agriculture has not officially announced the percentage level of support for wheat for cooperators by January 15 of the calendar year in which the crop is to be harvested, the fixed price shall be that determined by the Corporation.

3. Section 32 of the commodity coverage policy as shown in § 418.167 is amended for Montana and Utah to read as follows:

State and county	Cancellation date	Discount date	Maturity date
Montana:			
Blaine	June 30	June 15	July 31
Cascade	do	do	Do.
Chateau	do	do	Do.
Fergu	do	do	Do.
Hill	do	do	Do.
Judith Basin	do	do	Do.
Liberty	do	do	Do.
Petroleum	do	do	Do.
Pondera	do	do	Do.
Teton	do	do	Do.
All others	Dec. 31	do	Do.
Utah	June 30	do	Do.

4. Section 32 of the monetary coverage policy as shown in § 418.168 is amended for Montana and Utah to read as follows:

State and county	Cancellation date	Discount date	Maturity date
Montana:			
Blaine	June 30	June 15	July 31
Cascade	do	do	Do.
Chateau	do	do	Do.
Fergus	do	do	Do.
Hill	do	do	Do.
Judith Basin	do	do	Do.
Liberty	do	do	Do.
Petroleum	do	do	Do.
Pondera	do	do	Do.
Teton	do	do	Do.
All others	Dec. 31	do	Do.
Utah	June 30	do	Do.

Adopted by the Board of Directors on December 15, 1949.

(Secs. 506 (e), 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506 (e), 1516 (b). Interpret or apply secs. 507 (c), 508, 509, 52 Stat. 73, 74, 75, as amended; Pub. Law 268, 81st Cong.; 7 U. S. C. and Sup. 1507 (c), 1508, 1509)

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 20, 1949.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-10415; Filed, Dec. 23, 1949; 8:49 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

APPORTIONMENT OF THE NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR THE 1950–51 MARKETING YEAR

§ 725.104 *Basis and purpose.* The purpose of this proclamation is to apportion among the several States the national marketing quota for flue-cured tobacco for the 1950–51 marketing year proclaimed July 1, 1949, and published in the FEDERAL REGISTER on July 7, 1949 (14 F. R. 3737), in accordance with the provisions of section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. Prior to the apportionment of such quota among the several States, public notice of the proposed action was given (14 F. R. 7361) in accordance with the Administrative Procedure Act. The views and recommendations of flue-cured tobacco growers and other interested persons have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended, in apportioning the quota among the several States.

§ 725.105 *Apportionment of the national marketing quota for flue-cured tobacco for the 1950–51 marketing year among the several States.* The national marketing quota proclaimed in § 725.102 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of said act, as follows:

State:	*Acreage allotment*
Alabama	[1] 500
Florida	20,012
Georgia	96,792
North Carolina	639,669
South Carolina	110,870
Virginia	97,117
Reserve [2]	4,850

[1] Increased from 482 to 500 to provide minimum allotment required by section 313 (e) of the Agricultural Adjustment Act of 1938, as amended.

[2] Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

(52 Stat. 46, 47, 202; 53 Stat. 1261; 7 U. S. C. 1312–1313)

Done at Washington, D. C., this 21st day of December 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-10449; Filed, Dec. 23, 1949; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 307]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.453 *Orange Regulation 307*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on December 22, 1949; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 25, 1949, and ending at 12:01 a. m., P. s. t., January 1, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 715 carloads;

(*b*) Prorate District No. 2: 100 carloads;

(*c*) Prorate District No. 3: 85 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Part 966; 14 F. R. 3614)

Done at Washington, D. C., this 23d day of December 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Dec. 25, 1949 to 12:01 a. m. Jan. 1, 1949]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0721
A. F. G. Porterville	1.5400
Ivanhoe Cooperative Association	.7379
Doffiemyer & Son, W. Todd	.4961
Earlibest Orange Association	1.3480
Elderwood Citrus Association	1.4302
Exeter Citrus Association	2.6006
Exeter Orange Growers Association	1.9552
Exeter Orchards Association	1.4823
Hillside Packing Association	1.3372
Ivanhoe Mutual Orange Association	1.0018
Klink Citrus Association	4.9836
Lemon Cove Association	1.7452
Lindsay Citrus Growers Association	2.5660
Lindsay Cooperative Citrus Association	1.6470
Lindsay Fruit Association	1.9916
Lindsay Orange Growers Association	.6563
Naranjo Packing House Co	.6161
Orange Cove Citrus Association	8.7775
Orange Cove Orange Growers Association	1.9158
Orange Packing Company	1.8204
Orosi Foothill Citrus Association	2.1201

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Paloma Citrus Fruit Association	1.1148
Rocky Hills Citrus Association	.3968
Sanger Citrus Association	2.8815
Sequoia Citrus Association	.6999
Stark Packing Corp	1.7862
Visalia Citrus Association	1.8639
Waddell & Sons	2.1076
Butte County Citrus Association, Inc	1.1761
Mills Orchards Co., James	1.5839
Orland Orange Growers Association, Inc	.5995
Andrews Bros. of California	.3360
Baird-Neece Corp	1.4379
Beattie Association, D. A	.7440
Grand View Heights Citrus Association	2.1078
Magnolia Citrus Association	1.8641
Porterville Citrus Association, The	1.5609
Richgrove-Jasmine Citrus Association	1.3428
Sandilands Fruit Co	.8562
Strathmore Cooperative Association	1.1177
Strathmore District Orange Association	1.5996
Strathmore Fruit Growers Association	1.1179
Strathmore Packing House Co	1.7207
Sunflower Packing Association	2.2186
Sunland Packing House Co	2.5887
Terra Bella Citrus Association	1.6941
Tule River Citrus Association	1.2964
Kroells Packing Co	1.2627
Lindsay Mutual Groves	1.6074
Martin Ranch	1.1764
Webb Packing Co., Inc	.4406
Woodlake Packing House	2.4785
Abrahamian, M	.0059
Anderson Packing Co	.4144
Arnst, John J	.0000
Associated Growers Cooperative	.4756
Babcock, Herman V	.0020
Baker Bros	.1008
Barnes, Gerald E	.0000
Batkins, Jr., Fred A	.0367
Bishop, Lester	.0005
Buller, Herman	.0029
California Citrus Groves, Inc., Ltd	2.4161
Chess Co., Meyer W	.0920
Codromac, Edward F	.0035
Crane, Gus	.0000
Crispi, Frances	.0024
Curruer, Walter	.0030
Darby, Fred J	.0246
Dubendorf, John	.1218
Edison Groves Co	.9417
Exeter Groves Packing Co., Inc	.0000
Field, W. D	.0079
Furr, N. C	.2147
Ghianda Ranch	.0154
Hagar, John	.0030
Harding & Leggett	2.0575
Hipp, Joseph	.0020
Kim, Chas	.0658
Le Bue Bros	.9902
Maas, W. A	.0295
Marks, W. & M	.4464
McCleary, Jones E	.0049
Moore Packing Co., Myron	.0430
Neilson, F. H	.0086
Nicholas, Richard	.0036
Randolph Marketing Co., Inc	2.4072
Reimers, Don H	.2687
Richardson, W. A	.0197
Rooke Packing Co., B. G	2.4183
Sechrist, Calvin C	.0089
Sherman, A. W	.0078
Shong, Samuel C	.0365
Simmons, A. E	.0039
Swenson, L. W	.0934
Todd, C. M	.0117
Toy, Chin	.0357

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Travis, J. A	0.0189
Vincent, Walter H	.0236
Wilbur, G. C	.0039
Woodlake Heights Packing Corp	.5642
Zaninovich Bros., Inc	.9210

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.5525
A. F. G. Corona	.0868
A. F. G. Fullerton	.0271
A. F. G. Orange	.0332
A. F. G. Riverside	.7294
A. F. G. Santa Paula	.0432
Hazeltine Packing Co	.1348
Placentia Pioneer Valencia Growers Association	.0686
Signal Fruit Association	.9949
Azusa Citrus Association	1.1032
Damerel-Allison Company	.9451
Glendora Mutual Orange Association	.4689
Puente Mutual Orange Association	.0535
Valencia Heights Orchards Association	.2006
Covina Citrus Association	1.2819
Covina Orange Growers Association	.5284
Glendora Citrus Association	.8852
Glendora Heights Orange & Lemon Growers Association	.0810
Gold Buckle Association	3.6553
La Verne Orange Association	4.8541
Anaheim Citrus Fruit Association	.0585
Anaheim Valencia Orange Association	.0155
Eadington Fruit Co., Inc	.4667
Fullerton Mutual Orange Association	.2179
La Habra Citrus Association	.0957
Orange County Valencia Association	.0136
Orangethorpe Citrus Association	.0196
Placentia Cooperative Orange Association	.0202
Yorba Linda Citrus Association, The	.0113
Escondido Orange Association	.4400
Alta Loma Heights Citrus Association	.3185
Citrus Fruit Growers	1.0684
Etiwanda Citrus Fruit Association	.1979
Mountain View Fruit Association	.1170
Old Baldy Citrus Association	.3706
Rialto Heights Orange Growers	.5028
Upland Citrus Association	2.3219
Upland Heights Orange Association	1.1602
Consolidated Orange Growers	.0245
Frances Citrus Association	.0033
Garden Grove Citrus Association	.0303
Goldenwest Citrus Association, The	.0960
Olive Heights Citrus Association	.0419
Santa Ana-Tustin Mutual Citrus Association	.0128
Santiago Orange Growers Association	.1273
Tustin Hills Citrus Association	.0209
Villa Park Orchards Association, The	.0232
Bradford Bros., Inc	.2268
Placentia Mutual Orange Association	.1840
Placentia Orange Growers Association	.1224
Yorba Orange Growers Association	.0381
Call Ranch	.4576
Corona Citrus Association	.8545
Jameson Co	.2982
Orange Heights Orange Association	1.5709

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Crafton Orange Growers Association	1.5780
East Highlands Citrus Association	.4447
Fontana Citrus Association	.5163
Redlands Heights Groves	.8531
Redlands Orangedale Association	1.1165
Break & Son, Allen	.2454
Bryn Mawr Fruit Growers Association	1.0569
Mission Citrus Association	.9439
Redlands Cooperative Fruit Association	1.7716
Redlands Orange Growers Association	1.1241
Redlands Select Groves	.4480
Rialto Citrus Association	.5592
Rialto Orange Co	.3819
Southern Citrus Association	1.0505
United Citrus Growers	.6448
Zilen Citrus Co	.6758
Arlington Heights Citrus Co	.9821
Brown Estate, L. V. W	1.7681
Gavilan Citrus Association	1.6558
Highgrove Fruit Association	.7698
Krinard Packing Co	1.8814
McDermont Fruit Co	1.8011
Monte Vista Citrus Association	1.4349
National Orange Co	.9602
Riverside Heights Orange Growers Association	1.2202
Sierra Vista Packing Association	.9068
Victoria Avenue Citrus Association	2.8286
Claremont Citrus Association	.9513
College Heights Orange and Lemon Association	1.7643
Indian Hill Citrus Association	1.1056
Walnut Fruit Growers Association	.4613
West Ontario Citrus Association	1.3096
El Cajon Valley Citrus Association	.2310
Escondido Cooperative Citrus Association	.0738
San Dimas Orange Growers Association	1.0988
Ball & Tweedy Association	.1159
Canoga Citrus Association	.0772
Covina Citrus Association	.1662
North Whittier Heights Citrus Association	.1427
San Fernando Fruit Growers Association	.3969
San Fernando Heights Orange Association	.2259
Sierra Madre-Lamanda Citrus Association	.2647
Camarillo Citrus Association	.0089
Fillmore Citrus Association	.9770
Ojai Orange Association	.8163
Piru Citrus Association	.7812
Rancho Sespe	.0017
Santa Paula Orange Association	.1234
Tapo Citrus Association	.0077
Ventura County Citrus Association	.0241
East Whittier Citrus Association	.0083
Whittier Citrus Association	.0794
Whittier Select Citrus Association	.0285
Anaheim Cooperative Orange Association	.0388
Bryn Mawr Mutual Lemon Association	.5263
Chula Vista Mutual Orange Association	.0922
Euclid Avenue Orange Association	2.8459
Foothill Citrus Union, Inc	.2117
Fullerton Cooperative Orange Association	.0107
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.3315
Highland Mutual Groves, Inc	.3549
Index Mutual Groves, Inc	.0040
La Verne Cooperative Citrus Association	8.2992
Mentone Heights Association	.6051
Olive Hillside Groves	.0064

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Orange Cooperative Citrus Association	0.0298
Redlands Foothill Groves	2.7138
Redlands Mutual Orange Association	1.1017
Ventura County Orange & Lemon Association	.2038
Whittier Mutual Orange & Lemon Association	.0203
Babijuice Corp. of California	.3409
Border Fruit Co	.0311
Cherokee Citrus Co., Inc	1.2370
Chess Co., Meyer W	.3366
Dunning Ranch	.1376
Evans Brothers Packing Co	1.3564
Gold Banner Association	2.1426
Granada Packing House Co	2.3118
Hill, Fred A., Packing House	.6559
Orange Belt Fruit Distributors	1.9284
Panno Fruit Co., Carlo	.1144
Paramount Citrus Association	.0847
Placentia Orchard Co	.0613
Riverside Citrus Association	.3244
San Antonio Orchard Co	1.3292
Snyder & Sons Co., W. A	.5106
Stephens, T. F	.1156
Wall, E. T., Growers-Shippers	1.8056
Western Fruit Growers, Inc	3.6377

Prorate District No. 3

Total	100.0000
Allen & Allen Citrus Packing Co	1.9806
Consolidated Citrus Growers	20.2438
McKellips Citrus Co., Inc	6.4222
Phoenix Citrus Packing Co	2.7948
Arizona Citrus Growers	14.2405
Chandler Heights Citrus Growers	2.5705
Desert Citrus Growers	5.4851
Mesa Citrus Growers	12.2099
Tal Wi-Wi Ranches	.7537
Tempo Citrus Co	2.7391
Yuma Mesa Fruit Growers Association	.1353
Leppla-Henry Produce Co	10.6501
Maricopa Citrus Co	2.5903
Pioneer Fruit Co	6.1726
Champion, L. M	.0000
Clark & Sons, J. H	.3373
Commercial Citrus Packing Co	3.0048
Dhuyvetter Bros	1.0131
Goldman, George C	.4633
Ishikawa, Paul	.1427
Macchiaroli Fruit Co	.1403
Mattingly Fruit Co	1.2929
Oronge Belt Fruit Distributors	.0884
Potato House, The	2.0472
Valley Citrus Packing Co	2.4815

[F. R. Doc. 49-10492; Filed, Dec. 23, 1949; 11:32 a. m.]

26633

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

RACIAL RESTRICTIONS

Correction

In Federal Register Document 49-10034, appearing on page 7579 of the issue for Tuesday, December 20, 1949, the designation of § 221.26a should read "221.26b".

TITLE 29—LABOR

B6634-6636

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Section 13 (a) (1) of the Fair Labor Standards Act, as amended, provides an exemption from the minimum wage and overtime provisions of the act for employees employed in a bona fide executive, administrative, professional or local retailing capacity, or in the capacity of outside salesman as such terms are defined and delimited by the regulations of the Administrator. Pursuant to this provision of the act, the Administrator has issued regulations Part 541 defining and delimiting these terms.

On December 2, 1947, after due notice published in the FEDERAL REGISTER, a hearing was held before a representative of the Administrator for the purpose of obtaining evidence with respect to what changes should be made in salary criteria and other provisions of these regulations.

Subsequent to the hearing, the presiding officer submitted a report to the Administrator containing an analysis of the evidence and data received during the course of the hearing and making recommendations for revising the regulations. The report also contained material explaining and illustrating some of the terms used in the recommended regulations. On the basis of the recommendations of the presiding officer, the Administrator on September 10, 1949 published in the FEDERAL REGISTER (14 F. R. 5573) notice of proposed revised regulations. The notice also provided that prior to the final adoption of the regulations as proposed, consideration would be given to any data, views or arguments pertaining thereto which were filed with the Administrator in writing within 30 days from the date of publication in the FEDERAL REGISTER. The notice also stated that copies of the presiding officer's report would be furnished to interested persons upon request and would otherwise be made available for examination by interested persons. Pursuant to this notice, comments were received and all such comments have been carefully considered. On the basis of such comments some minor changes in the language of the regulations as proposed have been adopted.

Accordingly, pursuant to the authority vested in me by section 13 (a) (1) of the Fair Labor Standards Act, as amended (52 Stat. 1060; 29 U. S. C. 201; as amended, 63 Stat. 910), the regulations in Part 541 are designated Subpart A and hereby amended to read as follows:

SUBPART A—GENERAL REGULATIONS

Sec.

Sec.
541.3 Professional.
541.4 Local retailing capacity.
541.5 Outside salesman.
541.6 Petition for amendment of regulations.

AUTHORITY: §§ 541.1 to 541.6 issued under 52 Stat. 1067, as amended; 29 U. S. C. 213.

SUBPART A—GENERAL REGULATIONS

§ 541.1 *Executive.* The term "employee employed in a bona fide executive * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section: *Provided,* That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $55 per week (or $30 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 *Administrative.* The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c) (1) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations in this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience or knowledge, or

(3) Who executes under only general supervision special assignments and tasks; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $75 per week (or $200 per month if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 *Professional.* The term "employee employed in a bona fide * * * professional * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the performance of work:

(1) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $75 per week (or $200 per month if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided,* That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

§ 541.4 *Local retailing capacity.* The term "employee employed in a bona fide * * * local retailing capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Who customarily and regularly is engaged in:

(1) Making retail sales of goods or services of which more than 50 percent of the dollar volume are made within the State where his place of employment is located, or

(2) Performing work immediately incidental thereto, such as the wrapping or delivery of packages; and

(b) Whose hours of work of a nature other than that described in paragraphs (a) (1) or (a) (2) of this section do not exceed 20 percent of the hours worked in the workweek by nonexempt employees of the employer.

§ 541.5 *Outside salesman.* The term "employee employed * * * in the capacity of outside salesman" in section 13 (a) (1) of the act shall mean any employee:

(a) Who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in:

(1) Making sales within the meaning of section 3 (k) of the act, or

(2) Obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(b) Whose hours of work of a nature other than that described in paragraphs (a) (1) or (a) (2) of this section do not exceed 20 percent of the hours worked in the workweek by nonexempt employees of the employer: *Provided,* That work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as nonexempt work.

§ 541.6 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes

that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes. In determining such future regulations, separate treatment for different industries and for different classes of employees may be given consideration.

For the purpose of outlining and explaining the application of the regulations in Subpart A of this part to specific types of situations, an explanatory bulletin has been prepared which interprets the regulations in Subpart A of this part in the light of their application to specific factual situations. This explanatory bulletin contains statements of general policy and interpretations directly related to the regulations contained in this part, and is therefore published in conjunction with the regulations in this part. This explanatory bulletin, designated as Subpart B of this part, will be published in the FEDERAL REGISTER in the very near future.

Signed at Washington, D. C., this 16th day of December 1949.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 49-10219; Filed, Dec. 23, 1949; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

IDENTIFICATION CARDS

Section 861.12 is added as follows:

§ 861.12 *Identification cards.* Recipients must carry their identification cards on their persons on all official occasions.

(a) *Authorized form.* DD (formerly NME) Form 2AF (Res) is authorized for issue to officers of the Air Force Reserve and will replace all identification cards previously issued by military agencies.

(b) *Application.* AF Form 279, "Application for Identification Card," will be used by officers in applying for an identification card.

NOTE: The term "officer" used in this section refers to both commissioned and warrant officers. (Until statutory authority is obtained no legal provision exists for warrant officers in the Air Force Reserve.)

(c) *Delegation of authority.* Authority to issue DD (formerly NME) Form 2AF (Res) to Air Force Reserve officers not on extended active duty is delegated to the Commanding General, Continental Air Command, who may redelegate the authority to subordinate commanders as required.

(d) *To whom issued*—(1) *Air Force Reserve officers.* DD (formerly NME) Form 2AF (Res) will be issued to Air Force Reserve officers as follows:

(i) Air Force Reserve officers not on extended active duty and not members of the Honorary Reserve when located within the Continental limits of the United States, or within the limits of oversea bases and commands.

(ii) Officers of the Air Force Honorary Reserve. The words "Honorary Reserve" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(iii) Retired Air Force Reserve officers. The word "Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(2) *Retired officers of the Air Force of the United States.* DD (formerly NME) Form 2AF (Res) will be issued to Retired officers of the Air Force of the United States (AFUS). The words "AFUS Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(e) *Issue and replacement procedures*—(1) *Applications submitted to Regular organization.* Air Force Reserve officers not on extended active duty will submit AF Form 279, "Application for Identification Card," to the Regular Air Force organization having custody of his field personnel file. (Application blanks may be obtained at any Air Force activity.) Upon receipt of applications, issuing authorities will furnish appropriate instructions regarding specifications for photographs and identification information which must appear on the card. Blank identification cards with appropriate instructions may be furnished applicants. Applicants will enter the necessary data, obtain fingerprints on the cards, from any civil authority with appropriate facilities, and two photographic prints, size 1 x 1¼ inches and will forward the card and photographs to the issuing authority for countersigning and processing. The completed cards will be returned to the applicants through the Regular Air Force organizations having custody of the applicant's field personnel files.

(2) *Applications submitted to Air Adjutant General.* Retired Air Force Reserve officers, retired Air Force of the United States officers, and officers of the Honorary Air Reserve will submit AF Form 279, "Application for Identification Card," to the Air Adjutant General, Headquarters United States Air Force, Attention: Personnel Records Service Division, Washington 25, D. C., who will arrange for its issuance.

(3) *Obtaining photographs.* Officers may obtain photographs without cost at any Army or Air Force installation having appropriate photographic facilities, otherwise photographs must be obtained at no cost to the Government.

(4) *Loss and replacement.* Officers will report loss of identification cards promptly to the issuing authority, through channels, setting forth the circumstances. If the lost card is not recovered in 30 days, the officer may apply for a replacement. Procedures to be followed in applying for replacement are the same as in applying for the original card except reference will be made to the report of loss.

(f) *When issued.* Upon application:

(1) At time of initial appointment and to officers now holding commissions or warrants.

(2) When reappointed at expiration of appointment.

(3) When transferred to the Honorary Reserve.

(4) When retired.

(5) To replace a lost or mutilated card.

(6) To correct an error.

(7) To change identification data other than change in grade or change in weight due to normal gains and losses.

(g) *Surrender*—(1) *When surrendered.* Officers will surrender DD (formerly NME) Form 2AF (Res):

(i) Upon discharge or resignation.

(ii) Upon expiration of appointment.

(iii) Upon transfer to Honorary Reserve.

(iv) Upon retirement.

(2) *Cards previously issued.* Identification cards previously issued by military agencies will be surrendered by officers upon receipt of DD (formerly NME) Form 2AF (Res).

(3) *Cards not to be surrendered.* Officers will not be required to surrender DD (formerly NME) Form 2AF (Res) when called to extended active duty even though they subsequently are issued another type of card.

[AFR 45-47, Dec. 8, 1949] (Secs. 4, 6, 62 Stat. 89, 91; 10 U. S. C. Sup. II, 422, 5 U. S. C. Sup. II, 626k)

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-10406; Filed, Dec. 23, 1949; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Rev. Gen. Order 23, Supp. 3—WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

PAY AND ALLOWANCES, TRANSPORTATION AND TRAVEL, AND SUBSISTENCE

1. Effective as of December 31, 1949, at twelve o'clock, midnight, e. s. t., paragraph (f) of § 310.21 *Rates of pay,* paragraphs (d) and (e) of § 310.22 *Transportation and travel* and paragraphs (a), (c) and (d) of § 310.25 *Subsistence* are hereby revoked.

2. Effective as of January 1, 1950, at 12:01 a. m., e. s. t., the headnote and paragraph (a) of § 310.21 *Rates of pay* is revised to read as follows:

§ 310.21 *Pay and allowances.* (a) Enrollees of the Maritime Service while on active administrative duty shall receive the same pay and allowances according to cumulative years of service of their respective ranks, grades and ratings as are now or shall hereafter be prescribed for personnel of the Coast Guard with similar ranks, grades and ratings in Titles II and III of the "Career-Compensation Act of 1949" (Public Law 351, 81st Congress), including the rank of Com-

modore as authorized by 55 Stat. 604 as amended.

Service creditable in the computation of basic pay as prescribed in Public Law 351, 81st Congress, shall include, but not be restricted to, enrollment in the Maritime Service on administrative duty, active or reserve.

Enrollees of the Maritime Service in a training status shall until June 30, 1950, as provided by existing appropriations, continue to receive the monthly rates of pay which have been effective since July 1, 1949, as follows:

Cadets and recruits	$65.00
Licensed officers	125.00
Unlicensed seamen	75.00

Travel, transportation and subsistence for enrollees of the Maritime Service in a training status shall be prescribed by Maritime Service Instructions.

(Sec. 5, 53 Stat. 1182, sec. 6, 55 Stat. 604 as amended; Pub. Law 351, 81st Cong.; 46 U. S. C. 1126, 34 U. S. C. 350 (e))

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

DECEMBER 20, 1949.

[F. R. Doc. 49-10411; Filed, Dec. 23, 1949; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 725, 726]

BURLEY AND FLUE-CURED TOBACCO AND FIRE-CURED AND DARK AIR-CURED TOBACCO

1950 MARKETING QUOTA REGULATIONS RELATING TO ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1950-51 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is considering an amendment to MQ-21-Tobacco (1950) Burley and Flue-cured (14 F. R. 5037), and MQ-21-Tobacco (1950) Fire-cured and Dark Air-cured (14 F. R. 5919).

The proposed amendment would provide for deleting §§ 725.119 and 726.119 of the respective regulations and inserting in lieu thereof for each such section the following:

Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year. (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1950 shall be reduced, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any reduction shall be made with respect to the 1950 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1950 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1950 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. If the actual production of the farm acreage allotment is not known, the amount estimated by the county committee to have been produced on the acreage allotment shall be considered the farm marketing quota for this purpose. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section. If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

Prior to the final adoption and issuance of the proposed amendment to these regulations consideration will be given to any data, views, or recommendations pertaining thereto, which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than December 30, 1949, in order to be considered.

Issued at Washington, D. C., this 21st day of December 1949.

[SEAL] RALPH S. TRIGG, *Administrator.*

[F. R. Doc. 49-10450; Filed, Dec. 23, 1949; 8:53 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3447]

VIKING AIRLINERS ET AL.; NONCERTIFICATED OPERATIONS

NOTICE OF ORAL ARGUMENT

Viking Airliners, Aero-Van Express Corporation and Viking Air Transport Company, Inc.; noncertificated operations.

In the matter of the noncertificated operations of Viking Airliners, Aero-Van Express Corporation, and Viking Air Transport Company, Inc., and the suspension and revocation of Letter of Registration No. 152 issued to Viking Airliners, owned and operated by Aero-Van Express Corporation.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 5, 1950, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 20, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 49-10417; Filed, Dec. 23, 1949; 8:49 a. m.]

[Docket No. 3695]

FLORIDA AIRWAYS, INC.; FINAL MAIL RATE

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Florida Airways, Inc., over its entire system.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 406 thereof that the above-entitled proceeding is assigned for hearing on January 5, 1950, at 10:00 a. m., e. s. t., in Room 1851, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Without limiting the scope of the issues presented by the pleadings in this proceeding particular attention will be directed to the following:

A. The issues set forth in paragraphs numbered 1 through 4, inclusive, relate to the period March 14–28, 1949 (both dates inclusive).

1. What revenues (including nonoperating income) of the carrier are to be recognized?

2. What, under the relevant circumstances herein, are the carrier's reasonable expenses necessary for the operation of the required volume of service under efficient and economical management?

(a) What are the reasonable amounts of vacation pay of officers and employees?

(b) What are the reasonable direct flying costs other than those specifically referred to in subparagraphs (a) and (c) hereof?

(1) What are the reasonable insurance costs?

(c) What are the reasonable amounts of depreciation on flight and ground equipment and property?

(d) What are the reasonable ground and indirect costs other than those specifically referred to in subparagraphs (a) and (c) hereof?

(1) What is the proper amount of inventory write-off of parts, materials, and supplies?

(2) What is the reasonable amount of expenses for professional services, insurance, taxes (other than Federal income), and license fees?

3. What is the reasonable investment to be recognized as necessary for the operation of Florida's system?

(a) What is the amount of working capital to be recognized?

4. What is the reasonable rate of return to be allowed on the carrier's recognized investment?

B. The issues set forth in paragraphs 5 and 6 relate to the period following the expiration of the carrier's certificate, that is, they relate to the period beginning March 29, 1949. With respect to each item covered by paragraphs 5 and 6, the issues include the question of what is the reasonable date on which the period beginning March 29, 1949, should end.

5. Does the Board have the duty and/or the power to recognize the carrier's income and/or profits and/or losses and/or expenses for this period?

6. If the Board has the power referred to in paragraph 5, (1) what income and/or profits should be recognized, and (2) what types of expenses and/or losses should be recognized and what is the reasonable amount of such expenses or losses?

For further details of the issues involved in this proceeding and the position of the parties, interested persons are referred to the prehearing conference report which is on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record desiring to be heard in this proceeding shall file with the Board on or before January 5, 1950 a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., December 20, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 49-10418; Filed, Dec. 23, 1949; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8209, 9526]

COAST BROADCASTERS, INC., AND SEASIDE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Coast Broadcasters, Inc., Astoria, Oregon, Docket No. 8209, File No. BP-5460; C. H. Fisher and Harvey S. Benson, d/b as Seaside Broadcasting Company, Seaside, Oregon, Docket No. 9526, File No. BP-7375; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled applications of Coast Broadcasters, Inc., requesting a construction permit for a new standard broadcast station to operate on 1230 kc., with 250 w. power, unlimited time, at Astoria, Oregon, and C. H. Fisher and Harvey S. Benson, d/b as Seaside Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1240 kc., with 250 w. power, unlimited time, at Seaside, Oregon;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are hereby designated for hearing in a consolidated proceeding in Washington, D. C., at 10 a. m. on the 28th day of February 1950, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with one another or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 49-10432; Filed, Dec. 23, 1949; 8:49 a. m.]

[Docket No. 8342]

PEKIN BROADCASTING CO., INC. (WSIV)

ORDER AMENDING ISSUES AND SCHEDULING HEARING

In re application of Pekin Broadcasting Company, Inc. (WSIV), Pekin, Illinois, Docket No. 8342, File No. BMP-2561; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration a petition field February 10, 1948, by Pekin Broadcasting Company, Inc., requesting reconsideration and grant without hearing of its above-entitled application for modification of construction permit to change frequency to 1150 kc. with 500 w. power nighttime and 1 kw. power daytime, using a directional antenna day and night, and an opposition thereto filed September 12, 1949, by Baton Rouge Broadcasting Company, Inc., licensee of Station WJBO, Baton Rouge, Louisiana;

It appearing, that the above-entitled application was designated for hearing on April 29, 1947, and that Baton Rouge Broadcasting Company, Inc., was made a party respondent; and

It further appearing, upon consideration of the information contained in the application and the said petition and opposition, that Pekin Broadcasting Company, Inc., is legally, technically, financially, and otherwise qualified to construct and operate Station WSIV, as proposed; but that the operation of Station WSIV, as proposed, would involve objectionable interference with the operation of Station WJBO, Baton Rouge, Louisiana, and Station WJJD, Chicago, Illinois, and that for these reasons, among others, the Commission is unable to conclude that a grant of the above-entitled application would serve public interest, convenience and necessity;

It is ordered, That the said petition of Pekin Broadcasting Company, Inc., requesting reconsideration and grant without hearing of its above-entitled application is denied:

It is further ordered, That the Commission's order of April 29, 1947, designating the above-entitled application for hearing be amended by deleting therefrom issues Nos. 1, 3, 4, 5, 6, and 7; renumbering Issue No. 2 as Issue No. 1; and adding thereto the following issues:

2. To determine whether the operation of Station WSIV, as proposed, would involve objectionable interference with Station WJBO, Baton Rouge, Louisiana, or with Station WJJD, Chicago, Illinois, or with any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WSIV as proposed would involve objectionable interference with the services proposed in any pending application for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station WSIV as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to section 4 thereof entitled Locations of Transmitters of Standard Broadcast Stations.

It is further ordered, That WJJD, Incorporated, licensee of Station WJJD, Chicago, Illinois, is made a party to this proceeding.

It is further ordered, That the hearing in this proceeding is scheduled to commence at 10:00 o'clock a. m. in Washington, D. C., on the 10th day of February 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10422; Filed, Dec. 23, 1949; 8:46 a. m.]

[Docket Nos. 8521, 8584]

SAVANNAH BROADCASTING CO. (WTOC) AND BRENNAN BROADCASTING CO.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Savannah Broadcasting Company (WTOC), Savannah, Georgia, Docket No. 8521, File No. BP-6327; William J. Brennan, Cyril G. Brennan, Daniel M. Brennan and James G. Brennan, a partnership doing business as Brennan Broadcasting Company, Jacksonville, Florida, Docket No. 8584, File No. BP-6222; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of December 1949;

The Commission having under consideration the above-entitled applications, each of which requests a construction permit to operate on the frequency 690 kc., and the oral argument in said proceeding now scheduled for December 20, 1949; and

It appearing, that the United States Government is now engaged in negotiations with the other North American countries for the purpose of making a North American Regional Broadcasting Agreement; and

It further appearing, that in said negotiations, Cuba has submitted specific proposals for consideration; that one of these proposals relates to the future use of the frequency 690 kc., particularly in the southeastern part of the United States; that a further session of the conference is to be held in the United States after April 1, 1950, at which, among other matters, the future use of the frequency 690 kc. will be considered; that under these circumstances, it would be to the best interests of the United States to withhold action in the above proceeding pending the outcome of these negotiations; and that, therefore, no useful purpose would be served by holding oral argument in this proceeding at the present time;

Accordingly, it is ordered, That oral argument now scheduled for December 20, 1949, in the above-entitled proceeding is continued without date.

Released: December 16, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10433; Filed, Dec. 23, 1949; 8:49 a. m.]

[Docket Nos. 9341, 9531, 9532]

TAMPA BROADCASTING CO. (WALT) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. Walter Tison, tr/as Tampa Broadcasting Company (WALT), Tampa, Florida, Docket No. 9341, File No. BP-6537; Georgia-Carolina Broadcasting Company, (WJBF), Augusta, Georgia, Docket No. 9531, File No. BP-7063; Board of Regents, University System of Georgia, on behalf of Georgia Institute of Technology (WGST), Atlanta, Georgia, Docket No. 9532, File No. BP-7294; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled application of Georgia-Carolina Broadcasting Company, requesting a construction permit for change of facilities from 1230 kc., 250 w., unlimited time, at station WJBF, Augusta, Georgia, to 920 kc., 1 kw., unlimited time, with a directional antenna, and also the above-entitled application of Georgia Institute of Technology requesting a construction permit for change of facilities from 920 kc., 1 kw., 5 kw.-LS, unlimited time, at station WGST, Atlanta, Georgia, to 920 kc., 5 kw., unlimited time, using a directional antenna at night and also a petition filed by W. Walter Tison, tr/as Tampa Broadcasting Company, requesting reconsideration and grant without hearing of his above-entitled application;

It appearing, that the Commission on June 8, 1949, designated for hearing the said application of W. Walter Tison; and

It further appearing, that the aforesaid application of W. Walter Tison would involve objectionable interference with one or both of the other above-entitled applications;

It is ordered, That the said petition of W. Walter Tison is hereby denied; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Georgia-Carolina Broadcasting Company and Georgia Institute of Technology are hereby designated for hearing in a consolidated proceeding with the application of W. Walter Tison at Washington, D. C., on the 6th day of March 1950, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders; of the applicant, Georgia Institute of Technology, its officers and Board of Regents, to construct and operate stations WJBF and WGST, respectively, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of stations WJBF and WGST as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of stations WJBF and WGST as proposed would involve objectionable interference with any existing broadcast stations and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of stations WJBF and WGST as proposed would involve objectionable in-

terference with the services proposed in any of the pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operations of stations WGST and WJBF as proposed will involve objectionable interference with stations CMJL, Camaguay, or CMAQ, Pinar del Rio, both in Cuba, or with any other existing foreign broadcast stations and, if so, whether such interference would be in contravention of any international agreement or of the Commission's rules and Standards.

7. To determine whether the installations and operations of stations WJBF and WGST as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of June 8, 1949, designating for hearing the said application of W. Walter Tison is hereby amended, to include the applications of Georgia-Carolina Broadcasting Company and Georgia Institute of Technology and to include Issue No. 8 above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10430; Filed, Dec. 23, 1949; 8:47 a. m.]

[Docket No. 9523]

COMMONWEALTH BROADCASTING CORP. (WLOW)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Commonwealth Broadcasting Corporation (WLOW), Norfolk, Virginia, Docket No. 9523, File No. BP-7188; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled application for a construction permit to change the facilities of Station WLOW, Norfolk, Virginia from frequency 1410 kilocycles, 1 kilowatt power, daytime only to frequency 1400 kilocycles, 250 watts power, unlimited time, to change transmitter location and to move the main studio from Norfolk, Virginia to Portsmouth, Virginia;

It appearing, that, the applicant is legally, technically, financially and otherwise qualified to construct and operate Station WLOW as proposed and that no objectionable interference would be involved with any existing broadcast stations or the services proposed in any other pending applications for broadcast facilities but that the application may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing on February 16, 1950, in Washington, D. C. upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WLOW as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the installation and operation of Station WLOW as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to whether the proposed operation will provide satisfactory service to the city of Portsmouth, Virginia and to the Norfolk-Portsmouth-Newport News metropolitan district, and to whether the proposed transmitter site is located in a residential district.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10426; Filed, Dec. 23, 1949; 8:47 a. m.]

[Docket No. 9525]

WICHTEX RADIO AND TELEVISION CO. (KFDX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wichtex Radio and Television Company (KFDX), Wichita Falls, Texas, Docket No. 9525, File No. BP-6938; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled application which requests a construction permit to change the daytime power of Station KFDX, Wichita Falls, Texas from 5 kilowatts to 10 kilowatts employing a directional antenna and to install new transmitters;

It appearing, that, the applicant is legally, technically, financially and otherwise qualified to construct and operate Station KFDX as proposed and that no objectionable interference would be involved with the services proposed in any other pending applications for broadcast facilities, but that the proposed operation may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing in Washington, D. C. commencing February 24, 1950, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFDX as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KFDX as proposed would involve objectionable interference with Station KSTA, Coleman, Texas or with any other existing broadcast stations and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station KFDX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the population residing within the 500 mv/m and 250 mv/m daytime blanket contours.

It is further ordered, That, Coleman County Broadcasting Company, licensee of Station KSTA, Coleman, Texas is made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10424; Filed, Dec. 23, 1949; 8:46 a. m.]

[Docket Nos. 9527, 9528]

AIRWAYS, INC. (WLCS) AND KJAN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Airways, Inc. (WLCS), Baton Rouge, Louisiana, Docket No. 9527, File No. BP-7013; Henry D. Larcade, Jr., T. P. Heard, James A. Noe, Sr., and James A. Noe, Jr., d/b as KJAN Broadcasting Company, Baton Rouge, Louisiana, Docket No. 9528, File No. BP-7382; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled applications of Airways, Inc. requesting a construction permit to change facilities from 1400 kc., 250 w., unlimited time, at station WLCS, Baton Rouge, Louisiana, to 910 kc., 1 kw., unlimited time, using a directional antenna, and Henry D. Larcade, Jr., T. P. Heard, James A. Noe, Sr., and James A. Noe, Jr., d/b as KJAN Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 910 kc., with 1 kw. power, daytime only, at Baton Rouge, Louisiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are hereby designated for hearing in a consolidated proceeding in Washington, D. C., at 10 a. m. on the 1st day of March 1950, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the

applicant partnership and the partners, and the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station and station WLCS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and of station WLCS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and of station WLCS as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and of station WLCS as proposed would involve objectionable interference with one another or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and station WLCS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station WNOE at New Orleans, Louisiana, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10431; Filed, Dec. 23, 1949; 8:48 a. m.]

[Docket No. 9524]

FARMINGTON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUE

In re application of Frank P. Stoklas and Rex Chambers, Jr. d/b as Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 9524, File No. BP-7304; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on frequency 1240 kilocycles, with 250 watts power, unlimited time at Farmington, New Mexico;

It appearing, that, the applicant is legally and technically qualified to construct and operate the proposed station and that no objectionable interference would be involved with any existing broadcast station or the services proposed in any other pending applications for broadcast facilities but that the applicant may not be financially qualified to construct and operate the proposed station;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applicant is designated for hearing on February 24, 1950, in Washington, D. C., upon the following issue: To determine the financial qualifications of the applicant partnership and the partners to construct and operate the proposed station.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10425; Filed, Dec. 23, 1949; 8:47 a. m.]

[Docket Nos. 9529, 9530]

OWATONNA BROADCASTING CO., AND WMIN BROADCASTING CO. (WMIN)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Owatonna Broadcasting Company, Owatonna, Minnesota, Docket No. 9529, File No. BP-7347; WMIN Broadcasting Company (WMIN), St. Paul, Minnesota, Docket No. 9530, File No. BP-7385; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled applications of Owatonna Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1390 kc., with 500 w. power, daytime, at Owatonna, Minnesota, and of WMIN Broadcasting Company requesting a construction permit to change facilities of station WMIN from 1400 kc., 250 w. power, unlimited time, to 1,390 kc., 1 kw., daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are hereby designated for hearing in a consolidated proceeding at Washington, D. C. on the 1st day of March, 1950, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant Owatonna Broadcasting Company officers, directors and stockholders and to determine the technical, financial and other qualifications of the applicant WMIN Broadcasting Company, its officers, directors and stockholders to construct and operate the proposed station and station WMIN as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and station WMIN as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and station WMIN as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and station WMIN as proposed would involve objectionable interference with one another or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and station WMIN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceedings should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10429; Filed, Dec. 23, 1949; 8:47 a. m.]

[Docket Nos. 9533, 9534]

HOUSTON BROADCASTERS AND GREENVILLE NEWS-PIEDMONT CO. (WFBC)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Jess M. Swicegood and Lola C. Robison, d/b as Houston Broadcasters, Albany, Georgia, Docket No. 9533, File No. BP-6951; Greenville News-Piedmont Company (WFBC), Greenville, South Carolina, Docket No. 9534, File No. BP-7062; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled applications of Jess M. Swicegood and Lola C. Robison, d/b as Houston Broadcasters,

requesting a construction permit for a new standard broadcast station to operate on 1330 kc., with 1 kw. power, unlimited time, using a directional antenna at night, and Greenville News-Piedmont Company, requesting a construction permit to change transmitter location, install a new transmitter and directional antenna and place an FM antenna on one tower at Station WFBC, Greenville, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are hereby designated for hearing in a consolidated proceeding at Washington, D. C., on the 6th day of March 1950, at 10:00 a. m., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners, to construct and operate the proposed station and to determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WFBC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WFBC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station WFBC as proposed would involve objectionable interference with Station WJPS, Evansville, Indiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and station WFBC as proposed would involve objectionable interference with one another or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of station WFBC as proposed would involve objectionable interference with stations CMCB, Havana, Cuba, XEFC, Merida, Yucatan, Mexico, or with any other existing foreign broadcast station and, if so, whether such interference would be in contravention of any international agreement or the Commission's rules and Standards.

7. To determine whether the installations and operations of the proposed station and station WFBC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That WJPS, Inc., licensee of Station WJPS, Evansville, Indiana, is hereby made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10428; Filed, Dec. 23, 1949; 8:47 a. m.]

[Docket Nos. 9535, 9536]

CAPITOL BROADCASTING CORP. (WCAW) AND FAYETTE ASSOCIATES, INC. (WMON)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Capitol Broadcasting Corporation (WCAW), Charleston, West Virginia, Docket No. 9535, File No. BP-6805; Fayette Associates, Inc. (WMON), Montgomery, West Virginia, Docket No. 9536, File No. BP-7344; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled applications of Capitol Broadcasting Corporation requesting a construction permit to change facilities from 1400 kc., 250 w., unlimited time, to 790 kc., 1 kw., unlimited time, using a directional antenna at Station WCAW, Charleston, West Virginia, and Fayette Associates, Inc., requesting a construction permit to change facilities from 1340 kc., 250 w., unlimited time, to 790 kc., 500 w., 1 kw.-LS, unlimited time, using a directional antenna at night, at Station WMON, Montgomery, West Virginia, and also having under consideration a petition filed by WTAR Radio Corporation, licensee of Station WTAR, Norfolk, Virginia, requesting that said application of Station WCAW be designated for hearing because of interference to WTAR and that WTAR be made a party to the proceeding;

It is ordered, That the petition of WTAR Radio Corporation is hereby granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are hereby designated for hearing in a consolidated proceeding at Washington, D. C., on the 7th day of March 1950, at 10:00 a. m., upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders, to construct and operate Stations WCAW and WMON as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations WCAW and WMON as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of Stations WCAW and WMON as proposed would involve objectionable interference with Station WTAR, Norfolk, Virginia, WHTN, Huntington, West Virginia, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of Stations WCAW and WMON as proposed would involve objectionable interference with one another or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of Stations WCAW and WMON as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That WTAR Radio Corporation, licensee of Station WTAR, Norfolk, Virginia, and Greater Huntington Radio Corporation, licensee of Station WHTN, Huntington, West Virginia, are hereby made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10427; Filed, Dec. 23, 1949; 8:47 a. m.]

[Docket No. 9537]

SOUTHWESTERN PUBLISHING CO. (KFSA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Southwestern Publishing Company (KFSA), Fort Smith, Arkansas, Docket No. 9537, File No. BP-7087; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled application requesting authority to increase the power of station KFSA, Fort Smith, Arkansas from 500 watts nighttime and 1 kilowatt daytime to 1 kilowatt nighttime and 5 kilowatts daytime and to install a directional antenna for daytime use;

It appearing, that except as specified in issue Number 4, the applicant is legally, technically, financially and otherwise qualified to construct and op-

erate station KFSA as proposed but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C., on the 23d day of February 1950, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KFSA as proposed and the character of other broadcast service to those areas and populations.

2. To determine whether the operation of station KFSA as proposed would involve objectionable interference with stations KWAT, Watertown, South Dakota; KSEL, Lubbock, Texas; WWJ, Detroit, Michigan and WSPA, Spartanburg, South Carolina or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of station KFSA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

4. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KRBS at Springdale, Arkansas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That the Midland National Life Insurance Company, licensee of station KWAT, Watertown, South Dakota; Lubbock Broadcasting Company, licensee of station KSEL, Lubbock, Texas; The Evening News Association, Inc., licensee of station WWJ, Detroit, Michigan, and the Surety Broadcasting Company, licensee of station WSPA, Spartanburg, South Carolina, be made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10423; Filed, Dec. 23, 1949; 8:46 a. m.]

[Docket No. 9538]

BLACKSTONE BROADCASTING CO. (KTBB)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Blackstone Broadcasting Company (KTBB), Tyler, Texas, Docket No. 9538, File No. BP-6873; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of December 1949;

The Commission having under consideration the above-entitled application which requests a construction permit to change the power and hours of operation of Station KTBB, Tyler, Texas, from 500 watts, daytime only, to 1 kilowatt, unlimited time, to install a new transmitter, to change transmitter location, and to install a directional antenna for night use only;

It appearing, that, the applicant is legally, technically, financially and otherwise qualified to construct and operate Station KTBB as proposed but that the proposed operation may involve interference with one or more existing broadcast stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing, on March 2, 1950, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTBB as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KTBB as proposed would involve objectionable interference with Station KTBC, Austin, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station KTBB as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the ratio of the population within the area between the normally protected and interference-free contours to the population which would receive satisfactory service.

It is further ordered, That, Texas Broadcasting Corporation, licensee of Station KTBC, Austin, Texas, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-10434; Filed, Dec. 23, 1949; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6254]

CANEY ELECTRIC CO.

NOTICE OF APPLICATION

DECEMBER 21, 1949.

Notice is hereby given that on December 16, 1949, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Caney Electric Company, a corporation organized under the laws of the State of Kansas and doing business in said State, with its principal business office at Wichita, Kansas, seeking an order authorizing the issuance of 438 shares of Common Stock with a par value of $100 per share. The Common Stock will be issued as a stock dividend out of the earned surplus of Applicant to the stockholders of record in proportion to his stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 11th day of January 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-10413; Filed, Dec. 23, 1949; 8:48 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

DECEMBER 20, 1949.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that South Carolina Public Service Authority, licensee for major Project No. 199, known as Santee-Cooper project, has made application for amendment of license to authorize the construction, operation and maintenance of (1) a 2,400 kilovolt-ampere power plant below the existing diversion dam on Santee River which would utilize the 500 cubic feet per second of water required by the license to be released continuously from Lake Marion and (2) transmission facilities connecting the proposed power plant with the substation and switchyard at licensee's Pinopolis powerhouse on Lake Moultrie.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before February 15, 1950, to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-10412; Filed, Dec. 23, 1949; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

War Assets

[Wildlife Order 13]

TRANSFER OF PORTION OF FORT WHITMAN (GOAT ISLAND) SKAGIT COUNTY, WASHINGTON, TO THE STATE OF WASHINGTON

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated August 25, 1949, to the State of Washington, a portion of that property known as Fort Whitman (Goat Island) Washington, and more particularly described in such deed, has been transferred from the United States to the State of Washington.

2. The above described property is transferred to the State of Washington for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

DECEMBER 14, 1949.

[F. R. Doc. 49-10416; Filed, Dec. 23, 1949; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24741]

COTTONSEED PRODUCTS FROM SOUTH TO SOUTHWEST AND WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

DECEMBER 21, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 595.

Commodities involved: Cottonseed oil cake and meal, and cottonseed hulls and bran, carloads.

From: Points in the south.

To: Points in the southwest and western trunk line territory.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 595, Supplement 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-10407; Filed, Dec. 23, 1949; 8:45 a. m.]

[4th Sec. Application 24742]

POTASH FROM NEW MEXICO TO WALPORT, ARK.

APPLICATION FOR RELIEF

DECEMBER 21, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company for itself and on behalf of carriers parties to fourth-section application No. 21113.

Commodities involved: Potash, carloads.

From: Carlsbad and Loving, N. M.

To: Walport, Ark.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates; AT&SF tariff I. C. C. No. 14478, Supplement 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-10408; Filed, Dec. 23, 1949; 8:46 a. m.]

[4th Sec. Application 24743]

ASBESTOS WALLBOARD TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 21, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, pursuant to fourth-section order No. 9800.

Commodities involved: Asbestos wallboard, carloads.

From: Prospect Hill, Mo., and Waukegan, Ill.

To: Points in the south.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-10409; Filed, Dec. 23, 1949; 8:46 a. m.]

[4th Sec. Application 24744]

COTTONSEED MIXED FEED BETWEEN SHREVEPORT, LA., AND TEXAS

APPLICATION FOR RELIEF

DECEMBER 21, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Ira D. Dodge, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 762.

Commodities involved: Cottonseed mixed feed, carloads.

Between: Shreveport, La., and points in Texas.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Ira D. Dodge's tariff I. C. C. No. 762, Supplement 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-10410; Filed, Dec. 23, 1949; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-636]

TOBACCO AND ALLIED STOCKS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of December A. D. 1949.

Notice is hereby given that Tobacco and Allied Stocks, Inc., an investment company registered under the Investment Company Act of 1940, located at 161 Front Street, New York, New York, has filed an application pursuant to Rule N-17D-1 of the rules and regulations

promulgated under the act regarding a bonus plan to be adopted providing for the payment of bonuses not in excess of $1,000 and of $500, respectively, to two of its employees.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 29, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 27, 1949, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-10420; Filed, Dec. 23, 1949; 8:51 a. m.]

[File No. 54-184]

UNITED CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN FILED

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of December 1949.

Notice is hereby given that the United Corporation ("United"), a registered holding company, has filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 submitted in compliance with the requirements of the Commission's order of October 20, 1949, for the stated purpose of satisfying the requirements of the Commission's order of August 14, 1943, issued pursuant to section 11 (b) (2) of the act, directing United to change its existing capitalization to one class of stock, namely, common stock, and to take such action in a manner consistent with the provisions of said act as will cause it to cease to be a holding company (13 S. E. C. 854).

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

As of October 31, 1949, United had outstanding 14,529,491½ shares of common stock and, in addition, option warrants entitling the holders thereof to purchase 3,732,059 shares of common stock at $27.50 per share.

By order dated October 20, 1949, the Commission approved a plan filed by United under section 11 (e) of the act providing for the distribution to the holders of its common stock, as a special capital dividend, 1/10th of a share of the common stock of Niagara Hudson Power Corporation ("Niagara Hudson") for each share of United held. Such special capital dividend of Niagara Hudson common stock is proposed to be distributed on December 31, 1949, to the holders of record on December 1, 1949, of United's common stock. As of October 31, 1949, after giving effect to the distribution of the special capital dividend of Niagara Hudson common stock, the net assets of United amounted per books to $38,072,372, and on the basis of indicated market values as of the same date for the securities held in United's portfolio, to $56,799,837.

In the said order dated October 20, 1949, the Commission required as a condition thereof that United file a comprehensive plan detailing the remaining steps to be taken, and the timing thereof, to complete its transformation into an investment company, with particular reference to the question of (a) the action required of United in ceasing to be a holding company with respect to its present and former subsidiaries, (b) ensuring fairness to security holders in the conversion of United into an investment company, and (c) the treatment of the option warrants.

Under the plan, the following transactions are proposed:

(1) The sale by United of its entire holdings, consisting of 154,231.8 shares, of the common stock of South Jersey Gas Company. It is proposed that these holdings be sold as a single block to a small group of investors and, accordingly, United has asked that such proposed sale be exempted from the competitive bidding requirements of Rule U-50.

(2) Following the distribution of the special capital dividend of common stock of Niagara Hudson, United will own approximately 1,375,448 shares of Niagara Hudson common stock and 48,529 shares of Niagara Hudson 5% cumulative second preferred stock. Pursuant to the plans of Niagara Hudson approved by order of the Commission dated August 25, 1949, United proposes to exchange its holdings of 1,375,448 shares of the common stock of Niagara Hudson and such amounts of cash as may be required for approximately 1,072,849.4 shares of the common stock of Niagara Mohawk Power Corporation ("Niagara Mohawk") the new operating company resulting from the consolidation of the three principal subsidiaries of Niagara Hudson. United also proposes to exchange, pursuant to said plans, 48,529 shares of Niagara Hudson second preferred stock for 189,263.1 shares of the Class A stock of Niagara Mohawk.

(3) The sale by United through ordinary broker's transactions on the New York Stock Exchange or at competitive bidding of the 189,263.1 shares of Class A stock of Niagara Mohawk.

(4) The sale by United through ordinary broker's transactions on the New York Stock Exchange of approximately 142,071 shares of Niagara Mohawk common stock.

(5) The exchange by United for the outstanding option warrants to purchase United's common stocks of new warrants upon the basis of one new warrant for five outstanding warrants, each new warrant to entitle the holder thereof to purchase at any time within five years of the effective date of the exchange a share of common stock of United at $7 per share, such warrants to expire in all respects if unexercised at the end of the five-year period.

(6) The acceptance by the Commission of the vote of the common stock of United cast at the 1947 annual meeting of United's stockholders on the plan for future operations of United, as sufficient expression of approval of said plan by United's stockholders.

(7) The plan states that by the sales of securities of South Jersey Gas Company and the Niagara Hudson system securities, United will have reduced its holdings so that it will not own as much as 10% of the outstanding voting securities of any public utility holding or operating company, and that the percentage of voting securities of each of such companies remaining in United's portfolio will be as follows:

	Shares held	Percent of total voting stock
Niagara Mohawk Power Corp. common stock (approximate)	980,778.4	9.9
South Jersey Gas Co. common stock		
American Water Works Co., Inc. common stock	46,870	1.7
The Cincinnati Gas & Electric Co. common stock	14,466	
The Columbia Gas System, Inc., common stock	[1] 831,336	5.7
Consolidated Edison Co. of New York, Inc., common stock	203,900	1.3
Consolidated Gas, Electric Light & Power Co. of Baltimore common stock	4,585	
Ohio Edison Co. common stock	7,554	
Philadelphia Electric Co. common stock	3,667	
Public Service Electric & Gas Co. common stock	406,129	3.5
The Southern Co. common stock	44,065	
The United Gas Improvement Co. capital stock	121,332	7.7
The West Penn Electric Co. common stock	64,872	2.0

[1] Assumes prior sale of all of 50,000 shares as authorized by order of Commission dated Sept. 23, 1949, and of 50,000 additional shares in accordance with application pending before the Commission as of the date of this order.

Under the terms of the plan, United proposes to place in escrow for sale or other disposition a sufficient number of the securities of Niagara Mohawk, the Columbia Gas System, Inc., and the United Gas Improvement Company so that United will not have in its portfolio as much as 5% of the outstanding voting securities of any public utility or holding company. The securities to be

placed in escrow have indicated market values as of November 9, 1949, as follows:

	Shares	Market values
Niagara Mohawk Power Corp. common stock (approximate)	461,628	$9,809,595
The Columbia Gas System, Inc., common stock	108,127	1,229,945
The United Gas Improvement Co. capital stock	43,170	1,106,231

The plan proposes that all of the securities to be placed in escrow would be sold or otherwise disposed of by United from time to time but in no event later than June 30, 1955, and, while in escrow, would not be voted by or on behalf of United except with express approval of the Commission.

United has requested that the Commission issue an order pursuant to section 5 (d) of the act, declaring that, upon completion of the transactions contemplated by the plan and upon the placing in escrow of the above mentioned securities, United will cease to be a holding company and its registration under the act shall cease to be in effect.

United has further requested that the Commission's order approving the proposed plan and the transactions specified therein recite and specify, in accordance with the requirements of the Internal Revenue Code, as amended, including sections 371 and 1808 (f) thereof, that each of the specified transactions is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

United has also requested that the Commission apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the exchange of option warrants as provided for in the plan.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find, after notice and opportunity for hearing, that the plan, as submitted or as amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons effected thereby; and

It appearing appropriate that a hearing be held with respect to said plan and that said plan shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing under the applicable provisions of the act and rules thereunder be held on January 24, 1950, at 10:00 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101. In the event that amendments to said plan are filed during the course of said proceeding, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in this proceeding, or otherwise specifically request such notice. Any person desiring to be heard in connection with the proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before January 20, 1950, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in the proceeding. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan is necessary to effectuate the provisions of section 11 (b) and of the Commission's order of August 14, 1943, and is fair and equitable to the persons affected thereby;

(2) Whether the proposed exchange of new option warrants for the outstanding option warrants is necessary and fair and equitable to the holders of such warrants and to the holders of the outstanding common stock of United, and, if not, what provisions, if any, should be made for the option warrants;

(3) Whether the proposed sale by United of all or substantially all of its holdings of shares of the common stock of South Jersey Gas Company should be exempt from the competitive bidding requirements of Rule U-50;

(4) Whether the proposed acquisition by United of approximately 1,072,849.4 shares of Niagara Mohawk common stock and 189,263.1 shares of Niagara Mohawk Class A stock meets the applicable standards of the act and what terms and conditions, if any, should be imposed in connection therewith;

(5) Whether the vote of the holders of the common stock of United cast at the 1947 annual meeting is acceptable to satisfy the requirements of the Commission's findings and opinion of August 14, 1943 and the Commission's memorandum opinion dated February 7, 1947;

(6) Whether the plan, as filed, or as it may be modified, for the transformation of United into an investment company is fair and equitable to security holders in the absence of a provision permitting non-assenting security holders of United to withdraw their pro rata portion of the assets of United, and, if not, what the terms and provisions of such a provision should be;

(7) Whether the plan, as filed, or as it may be modified, for the transformation of United into an investment company can be approved without changes in the charter and by-laws of United, and, if not, what changes should be made to make the plan fair and equitable;

(8) Whether the proposed sale by United of certain shares of Niagara Mohawk Class A stock is necessary to effectuate the provisions of section 11 (b) and of the Commission's order of August 14, 1943, is fair and equitable to the persons affected, and satisfies the applicable provisions of the act, and of the rules and regulations promulgated thereunder, regarding the consideration to be received, maintenance of competitive conditions, fees and commissions and disclosure of interest; and what terms and conditions should be imposed for the protection of the public interest and the interest of investors and consumers and to prevent the circumvention of the act and the rules and regulations promulgated thereunder;

(9) Whether the proposed sale by United of certain shares of Niagara Mohawk common stock is necessary to effectuate the provisions of section 11 (b) and of the Commission's order of August 14, 1943, is fair and equitable to the persons affected, and satisfies the applicable provisions of the act, and of the rules and regulations promulgated thereunder, regarding the consideration to be received, maintenance of competitive conditions, fees and commissions and disclosure of interest; and what terms and conditions should be imposed for the protection of the public interest and the interest of investors and consumers and to prevent the circumvention of the act and the rules and regulations promulgated thereunder;

(10) Whether the proposals to escrow certain of United's portfolio securities are necessary to effectuate the provisions of section 11 (b) and the Commission's order of August 14, 1943, and are fair and equitable to the persons affected;

(11) Whether, upon completion of the transactions set forth in the plan, United will or may, directly or indirectly, exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of any public utility or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that United remain subject to the obligations, duties, and liabilities imposed by the act upon holding companies;

(12) Whether, upon completion of the transactions set forth in the plan, United will be entitled to the entry of an order under section 5 (d) of the act declaring that United has ceased to be a holding company; and, if not, what further action, including the disposition of all present holdings of United or the dissolution of United, is necessary to meet the requirements of section 11 (b) of the act and of the Commission's order of August 14, 1943, and to entitle United to the entry of an order under section 5 (d); and what terms and conditions should be imposed by the Commission for the protection of investors in connection with any such orders;

(13) Whether the plan as submitted or as it may be modified, or a plan proposed by the Commission, or a plan filed by any person having a bona fide interest in the proceeding, should be approved by the Commission for the purposes of section 11 (d) of the act, and, if proposed by the Commission or by a person having

a bona fide interest, what the terms and provisions of such plan should be;

(14) Whether the fees and expenses and other remuneration which may be claimed in connection with the plan and transactions incident thereto are for necessary services and are reasonable in amount;

(15) Whether the accounting entries to be made in connection with the transactions proposed in the plan are adequate and proper and in conformity with sound accounting principles and meet the applicable standards of the act;

(16) Whether the transactions proposed in the plan otherwise comply with all the requirements of the applicable provisions of the act and rules thereunder; and what terms and conditions should be imposed to ensure adequate protection of the public interest and the interest of investors and consumers and to prevent circumvention of the act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth, or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to the United Corporation, that that notice be given to all other persons by general release of the Commission distributed to the press and mailed to the mailing list for releases issued pursuant to the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That the United Corporation give notice of this hearing to all holders of its common stock and option warrants to purchase common stock, (in so far as the identity of such security holders is known and available to the United Corporation) by mailing a copy of this notice and order to such security holders at least 20 days prior to January 24, 1950, the date of the said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-10421; Filed, Dec. 23, 1949; 8:51 a. m.]

[File No. 814-51]

TRUSTEED FUNDS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of December A. D. 1949.

Notice is hereby given that Trusteed Funds, Inc. ("Applicant"), of 33 State Street, Boston, Massachusetts, a corporation organized under the laws of the Commonwealth of Massachusetts, which heretofore filed an application pursuant to section 9 (b) of the Investment Company Act of 1940 for an order exempting the Applicant from the provisions of section 9 (a) of said act, has amended said application to request, in addition to the relief previously requested, an order pursuant to section 6 (c) of the act exempting from the provisions of section 15 (a) of the act to the extent that such provisions would require approval by the vote of a majority of the outstanding voting securities of Commonwealth Fund Indenture of Trust, Plans A and B, and of Commonwealth Fund Indenture of Trust, Plans C and D, proposed transactions whereby Rockland-Atlas National Bank of Boston, 30 Congress Street, Boston, Massachusetts, as Trustee of Commonwealth Fund Indenture of Trust, Plans A and B, and as Trustee of Commonwealth Fund Indenture of Trust, Plans C and D, and Studley, Shupert & Co., Inc., of 24 Federal Street, Boston, Massachusetts, would perform two agreements, dated November 30, 1949, pursuant to which Studley, Shupert & Co., Inc., would serve as investment adviser of Commonwealth Fund Indenture of Trust, Plans A and B, and of Commonwealth Fund Indenture of Trust, Plans C and D, until the close of business on March 15, 1950. A person may not serve or act as investment adviser of a registered investment company except pursuant to a written contract and then only if such contract has been approved by the vote of a majority of the outstanding voting securities of such registered investment company unless an exemption from the requirement of such approval is granted pursuant to section 6 (c) of the act.

It appears from the application that Applicant is the depositor of and principal underwriter for Commonwealth Fund Indenture of Trust, Plans A and B, and Commonwealth Fund Indenture of Trust, Plans C and D, diversified open-end management companies registered under the Investment Company Act of 1940. It also appears that the Applicant by a final judgment of the District Court of the United States for the District of Massachusetts, entered upon its consent, on September 9, 1949 in a civil action pending in said Court, entitled "Securities and Exchange Commission, Plaintiff, v. Trusteed Funds, Inc., et al., Defendants", numbered 8622 on the civil action docket, has been permanently enjoined from engaging in certain alleged conduct and practices in violation of sections 5 (b) (2) and 17 (a) (1), (2) and (3) of the Securities Act of 1933, as amended, and sections 24 (b) and 35 (a) of the Investment Company Act of 1940. It further appears that Applicant proposes, among other things, to reduce certain fees on the securities of Commonwealth Fund Indenture of Trust, Plans A and B, and Commonwealth Fund Indenture of Trust, Plans C and D; the reduction of such fees to be effected in part by performance of the above mentioned agreements, dated November 30, 1949.

Notice of the original application was published in Investment Company Act Release No. 1365, November 14, 1949, and in the FEDERAL REGISTER on November 18, 1949, Volume 14, No. 223, page 7001, F. R. Doc. 49-9237. For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application, as amended, which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application, as amended, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at such time on or after January 6, 1950, as may be appropriate in the public interest, unless prior to the entry of such order a hearing upon the application, as amended, is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than January 4, 1950, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon the application under section 6 (c) for an exemption from the provisions of section 15 (a) of the Investment Company Act of 1940, or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application, as amended, which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-10419; Filed, Dec. 23, 1949; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14139]

SAKU HASEGAWA ET AL.

In re: Rights of Saku Hasegawa et al. under Agent's Contract. File No. F-39-4383-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saku Hasegawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of

Shinichiro Hasegawa, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract between the New York Life Insurance Company, New York, New York, and Shinichiro Hasegawa as agent for the aforesaid New York Life Insurance Company, together with the right to demand, receive, and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiliiary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shinichiro Hasegawa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10435; Filed, Dec. 23, 1949; 8:50 a. m.]

[Vesting Order 14140]

MARY J. JOST

In re: Rights of Mary J. Jost under Insurance Contract. File No. F-28-24476-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary J. Jost, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5998 084 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Carl Jost, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10436; Filed, Dec. 23, 1949; 8:51 a. m.]

[Vesting Order 14142]

META KLUPFEL

In re: Estate of Meta Klupfel, deceased. File No. F-28-19110; E. T. sec. 16922.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Flemming, Walter Lanz, Wilhelmine Dahl and Frieda Lanz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Meta Klupfel, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hans Krueger and Ida Krueger, as Administrators, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10437; Filed, Dec. 23, 1949; 8:51 a. m.]

[Vesting Order 14165]

FRITZ GOLTER AND HERBERT STENDER

In re: Real property owned by Fritz Golter and Herbert Stender, also known as Herbert Stendo and as Herbert Steuder.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Golter, whose last known address is Ilfeld, Krs. Heilbronn, Wurttemberg, Germany, and Herbert Stender, also known as Herbert Stendo and as Herbert Steuder, whose last known address is Wiedenest (Oberbergischer Kreis) Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property, situated in the County of Los Angeles, State of California, particularly described as Parcel 1 in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Golter and Herbert Stender, also known as Herbert Stendo and as Herbert Steuder, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Real property situated in the City and County of Los Angeles, State of California, particularly described as Parcel 2 in Exhibit A, attached hereto and by reference made a part hereof, together

with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herbert Stender, also known as Herbert Stendo and as Herbert Steuder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2 and 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 16, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

Parcel 1. All that certain real property situated in the County of Los Angeles, State of California, and more particularly described as follows: Lot No. 7, Block No. 1, of Tract No. 6784, as per map of said tract recorded in Map Book 83, at page 91, in the Office of the County Recorder of Los Angeles County.

Parcel 2. All that certain real property situated in the City and County of Los Angeles, State of California, and more particularly described as follows: Lot numbered ninety-three (93), of Tract 6111, as per map recorded in Book 90, at pages 3 and 4 of Maps, in the Office of the County Recorder of Los Angeles County.

[F. R. Doc. 49-10438; Filed, Dec. 23, 1949; 8:51 a. m.]

[Vesting Order 14156]

MANNHEIMER VERSICHERUNGSGESELLSCHAFT

In re: Bank account owned by Mannheimer Versicherungsgesellschaft. F-28-6160-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mannheimer Versicherungsgesellschaft, the last known address of which is Mannheim, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Mannheim, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled "Mannheimer Versicherungsgesellschaft, Special A/C," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mannheimer Versicherungsgesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10392; Filed, Dec. 22, 1949; 8:50 a. m.]

[Return Order 492]

JENS GRAND

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Jens Grand, Højbjerg, Denmark, 6685; November 1, 1949 (14 F. R. 6654); property described in Vesting Order No. 664, dated January 18, 1943 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2143947. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 15, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10440; Filed, Dec. 23, 1949; 8:47 a. m.]

[Return Order 483]

ANGELIKI PAPPAGIANAKIS RAPTIS ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim Nos., and Property

Angeliki (Angeline) Pappagianakis Raptis, Kalyvia, Greece, 6728 and 35404; $255.24 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

The following claimants reside at Marcopoulo, Greece:

Demetra Pappagianakis Drakos, 6728 and 35402; $255.25 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

Anastasia Pappagianakis Boukis, 6728 and 35401; $255.25 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

Christos Pappagianakis, 6728 and 35403; $255.24 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

Maria Pappagianakis, 6728 and 40842; $85.08 in the Treasury of the United States and an undivided one-eighteenth (1/18) interest in items of personal property hereinafter described.

Sofia K. Pappagianakis Gliati, 6728 and 40840; $85.08 in the Treasury of the United States and an undivided one-eighteenth (1/18) interest in items of personal property hereinafter described.

John (Ioannin) Pappagianakis, 6728 and 40841; $85.08 in the Treasury of the United States and an undivided one-eighteenth (1/18) interest in items of personal property hereinafter described.

Maria K. Pappagianakis, 6728 and 35400; $63.81 in the Treasury of the United States and an undivided one-twenty-fourth (1/24)

interest in items of personal property hereinafter described.

John (Ioannin) K. Pappagianakis, 6728 and 40838; $63.81 in the Treasury of the United States and an undivided one-twenty-fourth (1/24) interest in items of personal property hereinafter described.

Katherine Pappagianakis, 6728 and 40837; $63.81 in the Treasury of the United States and an undivided one-twenty-fourth (1/24) interest in items of personal property hereinafter described.

Panagiotis (Panayoti) Pappagianakis, 6728 and 40839; $63.81 in the Treasury of the United States and an undivided one-twenty-fourth (1/24) interest in items of personal property hereinafter described.

Personal property hereinbefore referred to consisting of the following items located at the Office of Alien Property, 120 Broadway, New York, N. Y.:

1 gold Elgin watch case
1 gold Elgin watch with initials "NJP" engraved
1 gold bracelet with initial "M"
1 gold chain with attachments
1 gold ring with initials "NJP" engraved
1 silver ring with red stone
1 Greek fraternity lodge lapel button
1 silver bracelet with white and green stones
1 knife with gold chain attached
4 pocket knives
1 small gold pencil
5 fountain pens
4 Eversharp pencils

Notice of intention to return published: June 24, 1949 (14 F. R. 3456).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 15, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10439; Filed, Dec. 23, 1949; 8:47 a. m.]

[Return Order 496]

SOCIETE D'APPLICATIONS ET DE CONSTRUCTIONS POUR MATÉRIEL AUTOMOBILE (S. A. C. M. A.)

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, except damages and profits arising out of infringement in war production, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe d'Applications et de Constructions pour Matériel Automobile (S. A. C. M. A.), Neuilly-sur-Seine (Seine), France, 6501; November 1, 1949 (14 F. R. 6654); $6,765.80 in the Treasury of the United States. Property described in Vesting Order No. 677 (8 F. R. 7029, May 27, 1943) relating to United States Letters Patent Nos. 1,927,750; 1,971,271; 1,982,528; 1,985,576 and 2,026,187; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,077,525. This return will include the rights of the Attorney General under a license agreement entered into by the Alien Property Custodian and Donat A. Gauthier on January 20, 1945, relative to the above patents. It shall not be deemed to include the rights of any licensees under the above patents. In connection with this return, claimant has furnished the Attorney General certain covenants contained in a letter dated December 21, 1948, a copy of which is attached as Exhibit "A" to the Determination filed herewith.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 15, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10442; Filed, Dec. 23, 1949; 8:50 a. m.]

[Return Order 495]

ELEANOR MCQUADE TIERI

Having considered the claim set forth below and having issued a determination allowing a separable part of the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Eleanor McQuade Tieri, Yonkers, N. Y., 3841; November 1, 1949 (14 F. R. 6656); real property in Yonkers, New York, known as 21 Roxbury Drive; the interest of Eleanor Tieri in fire insurance policy No. 16059 issued by Aetna Fire Group, insuring the said premises; and $3,303.35 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 16, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10441; Filed, Dec. 23, 1949; 8:49 a. m.]

[Return Order 500]

EDITIONS SALABERT S. A.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Editions Salabert S. A., 22 Rue Chauchat, Paris, France, 36444, 36441, 30078, 30077, and 30073; November 4, 1949 (14 F. R. 6707); $4,659.23 in the Treasury of the United States. Property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order Nos. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), 473 (8 F. R. 3679, March 25, 1943), 3918 (9 F. R. 9515, August 4, 1944), 2098 (8 F. R. 16463, December 7, 1943), 500A-11 (9 F. R. 7880, July 14, 1944), and 2094 (9 F. R. 1465, February 4, 1944) relating to compositions listed in Exhibit A of said vesting orders as being owned or controlled by Editions Salabert, Editions Maurice Senart and A. Z. Mathot.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 16, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10443; Filed, Dec. 23, 1949; 8:50 a. m.]

[Return Order 501]

JOSEF EDENBURG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Josef Edenburg, 5 Gottfried Albergasse, Vienna XIV, Austria, 30532; September 14, 1949 (14 F. R. 5644); property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,107,372. Property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), relating to Patent Application Serial No. 328,885 (now United States Letters Patent No. 2,308,225). This return shall not be deemed to include the rights of any licensees under the above patents and patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 15, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director.
Office of Alien Property.

[F. R. Doc. 49-10444; Filed, Dec. 23, 1949; 8:51 a. m.]

[Return Order 507]

HENRI DE COSTER

Having considered the claim set forth below and having issued a determination

allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Henri de Coster, Paris, France, 41911; November 4, 1949 (14 F. R. 6707); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,039,890. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 15, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10445, Filed, Dec. 23, 1949; 8:51 a. m.]

[Return Order 508]

SOCIETE CHANTEREINE D'APPLICATIONS INDUSTRIELLES DE BREVETS

Having considered the claims set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Societe Chantereine D'Applications Industrielles de Brevets, Paris, France, 42243; November 1, 1949 (14 F. R. 6654); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,025,402 and 2,238,806. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 15, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10446; Filed, Dec. 23, 1949; 8:51 a. m.]

[Return Order 510]

PHILIP SIDNEY BALDWIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Philip Sidney Baldwin, Florence, Italy, 11771; October 25, 1949 (14 F. R. 6508); property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 2,197,915 and 2,276,009; property described in Vesting Order No. 1031 (8 F. R. 4207, April 2, 1943), relating to Patent Application Ser. No. 334,661 (now United States Letters Patent No. 2,326,116); and property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent Nos. 2,048,771 and 2,219,610. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 16, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10447; Filed, Dec. 23, 1949; 8:51 a. m.]

[Return Order 467, Amdt.]

SOCIETE RATEAU LA COURNEUVE

Return Order No. 467 dated October 25, 1949, published in the FEDERAL REGISTER on November 1, 1949 (14 F. R. 6654) is hereby amended as follows and not otherwise:

By deleting under "Property" Patent Application Serial No. 578,994; a division of Patent Application Serial No. 434,985; and substituting therefor Patent Application Serial No. 576,994; a division of Patent Application Serial No. 434,985.

All other provisions of said Return Order No. 467 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 15, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 49-10448; Filed, Dec. 23, 1949; 8:52 a. m.]